

# SOCIAL CARE & HEALTH SCRUTINY COMMITTEE

29<sup>TH</sup> FEBRUARY, 2016

**SUBJECT:**  
**SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014 –  
POLICY AND PROCEDURE REVISIONS FOR CHARGING ADULTS  
FOR SERVICES**

**To consider and comment on the following issues:**

Changes to policy and practice relating to charging adults in care homes and adults receiving non residential care.

**Reasons:**

To formulate views for submission to the Executive Board / Council for consideration

**To be referred to the Executive Board / Council for decision: YES**

**EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:-  
Cllr. J. Tremlett (Social Care & Health Portfolio Holder)**

**Directorate  
Communities**

**Name of Head of  
Service:  
Rhian Dawson**

**Anthony Maynard**

**Report Author:  
Lyn Walters**

**Designations:**

**Head of Integrated Services**

**Interim Head of Mental Health &  
Learning Disabilities**

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**EXECUTIVE SUMMARY**  
**SOCIAL CARE & HEALTH SCRUTINY COMMITTEE**  
**29<sup>TH</sup> FEBRUARY, 2016**

**SUBJECT:**

**SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014 –  
POLICY AND PROCEDURE REVISIONS FOR CHARGING ADULTS  
FOR SERVICES**

Members will be aware that the Social Services and Well-being (Wales) Act 2014 has been passed by The National Assembly for Wales and that different parts of the Act are now coming into force. The Act provides the statutory framework to deliver the Welsh Government's commitment to focus on well-being, rights and responsibilities. Part 5 of the Act specifically relates to charging service users for the services they receive and this part, together with other parts of the Act, comes into force on the 6<sup>th</sup> April 2016.

In November 2015 the National Assembly for Wales passed the regulations in respect of Part 5 of the Act and the Authority received both the regulations and the Code of Practice at the end of November 2015 therefore, there is very little time to implement the changes necessary to comply with the Act.

The attached report sets out the main areas, specifically relating to financial assessments and charging, which need to be considered at the outset and it is proposed that during the next financial year a new revised policy, bringing together elements of the existing policies that are currently in place together with any changes from this report, will be brought back to members for approval.

It is important that members appreciate that any delay in reaching a decision on issues raised in the attached report may mean that the Authority will not be able to charge some service users in care homes from 6<sup>th</sup> April 2016 and will no doubt invite challenges from service users, families and their representatives where charges are levied.

**DETAILED REPORT ATTACHED?**

**YES**

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Rhian Dawson  
Anthony Maynard

Head of Integrated Services  
Interim Head of Mental Health & Learning Disabilities

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>

## 1. Policy, Crime & Disorder and Equalities

The attached report sets out the policy and procedure changes which Elected Members need to consider in order for the Authority to comply with the Social Services and Well-being (Wales) Act 2014.

## 2. Legal

The 2014 Act requires the authority to make certain policy decisions regarding charging for certain services by the 6<sup>th</sup> April 2016. Failure to do so exposes the authority to the risk of legal challenge.

## 3. Finance

The implementation of the new Act has financial implications on income. The changes to short stay rules will mean that there will be a loss of income to the Authority whilst the ability to apply a charge from the first day of service for those people receiving non residential services will increase income. Overall there is likely to be a reduction in income.

In addition the implementation of the Act will increase workloads for the Assessment Team.

## 5. Risk Management Issues

If the Authority fails to make a decision on the main areas of policy and practice then the Authority will have an inconsistent charging policy leading to a risk of legal challenge

## 7. Staffing Implications

The changes resulting from the new Act will increase workloads for the Assessment Team and this is likely to result in the need for additional posts.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Rhian Dawson  
Anthony Maynard

Head of Integrated Services  
Interim Head of Mental Health & Learning Disabilities

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Local Member(s) N/A
2. Community / Town Council N/A
3. Relevant Partners N/A
4. Staff Side Representatives and other Organisations N/A

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Social Services and Well-being (Wales) Act 2014		<a href="http://www.legislation.gov.uk/anaw/2014/4/contents">http://www.legislation.gov.uk/anaw/2014/4/contents</a>
Technical Briefings		<a href="http://gov.wales/topics/health/socialcare/act/briefings/?lang=en">http://gov.wales/topics/health/socialcare/act/briefings/?lang=en</a>
Code of Practice		<a href="http://gov.wales/topics/health/socialcare/act/code-of-practice/?lang=en">http://gov.wales/topics/health/socialcare/act/code-of-practice/?lang=en</a>